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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)	CASE NO.: 3:17-cr-00378-RS-2
14)	
15 Plaintiff,)	[PROPOSED] ORDER DETAINING DEFENDANT
16)	PRIOR TO TRIAL
17 v.)	
18 LILLIAN HOVAN,)	
Defendant.)	
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20 On July 13, 2017, an Indictment was filed in the Northern District of California charging
21 Defendant Lillian Hovan with one count of violating Title 21, United States Code, Section 846 –
22 Conspiracy to Distribute Methamphetamine and one count of violating Title 21, United States Code,
23 Sections 841(a)(1) and 841(b)(1)(B)(viii) – Distribution of a Controlled Substance, to wit:
24 Methamphetamine. On August 9, 2017, Defendant appeared before this Court for arraignment on the
25 Indictment. On August 14, 2017, Defendant appeared before this Court for identification of counsel and
26 detention hearing. Defendant was represented by Dejan Gantar, on behalf of Ethan Balogh. Special
27 Assistant United States Attorney Denise Oki represented the United States. The government requested
28 detention, submitting that no condition or combination of conditions would reasonably assure the safety

1 of the community. Pretrial Services submitted a report recommending detention, on grounds of both the
2 Defendant's risk of non-appearance and danger to the community.

3 Upon consideration of the Pretrial Services report, the court file, and the party proffers at the
4 detention hearing, the Court finds by clear and convincing evidence that no condition or combination of
5 conditions will reasonably assure the safety of the community, and finds, by a preponderance of the
6 evidence that no combination of conditions will reasonably assure Defendant's appearance.

7 Accordingly, the Court orders Defendant detained pending trial.

8 This Order supplements the Court's findings at the detention hearing and serves as written
9 findings of fact and statement of reasons as required by Title 18, United States Code, Section 3142(i).

10 The Bail Reform Act of 1984 sets forth the factors the Court must consider in determining
11 whether pretrial detention is warranted. In coming to its decision, the Court has considered those
12 factors, paraphrased below:

13 (1) the nature and seriousness of the offense charged;

14 (2) the weight of the evidence against the person;

15 (3) the history and characteristics of the person including, among other considerations,
16 employment, past conduct and criminal history, and record of court appearances; and

17 (4) the nature and seriousness of the danger to any person or the community that would be posed
18 by the person's release.

19 18 U.S.C. § 3142(g).

20 In considering all of the facts and proffers presented at the hearing, the Court finds the following
21 factors among the most compelling in reaching its conclusion that no combination of conditions can
22 reasonably assure the safety of the community. First, in considering the Defendant's risk of flight, there
23 have been eight bench warrants issued for the Defendant's non-appearance in court since 2003. Four of
24 those eight bench warrants were issued by Federal Magistrate Judges presiding over case, *United States*
25 *v. Lillian Graham*, case number 03-CR-148. Further, the Defendant absconded while under federal
26 supervision resulting from that case. Second, in considering the danger to the community posed by the
27 Defendant's release, the Defendant has been conviction of five felonies since 2006, some convictions
28 dealing with controlled substances while other convictions relate to other conduct.

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2 Accordingly, pursuant to 18 U.S.C. § 3142(i), IT IS HEREBY ORDERED THAT:

3 (1) Defendant is committed to the custody of the Attorney General for confinement in a
4 corrections facility;

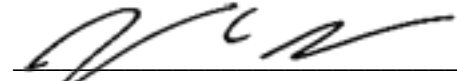
5 (2) Defendant be afforded reasonable opportunity for private consultation with his counsel; and

6 (3) on order of a court of the United States or on request of an attorney for the government, the
7 person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to an
8 authorized Deputy United States Marshal for the purpose of any appearance in connection with a court
9 proceeding.

10 This Order is without prejudice to reconsideration at a later date if circumstances change.

11
12 IT IS SO ORDERED.

13 Dated: August 16, 2017



HON. JOSEPH C. SPERO
Chief Magistrate Judge